

ASSEMBLY BILL

No. 2550

Introduced by Assembly Member House

February 24, 2000

An act to amend Section 4000.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2550, as introduced, House. Air pollution: vehicles: inspection and maintenance.

Existing law requires motor vehicles powered by internal combustion engines in certain areas of the state to obtain a smog check certificate of compliance or noncompliance as follows: (a) biennially, (b) upon transfer of ownership, or (c) upon registration of a vehicle previously registered outside the state. However, existing law exempts from the biennial smog check certification requirement any motor vehicle 4 or less model-years old or, if adopted by regulation of the Department of Consumer Affairs, up to 6 or less model-years old.

This bill would also exempt from the smog certification requirement, currently imposed upon transfer, those more recent model-year motor vehicles that are exempted from the biennial smog check requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4000.1 of the Vehicle Code is
2 amended to read:

3 4000.1. (a) Except as otherwise provided in
4 subdivision (b), (c), or (d) of this section, or subdivision
5 (b) of Section 43654 of the Health and Safety Code, the
6 department shall require upon initial registration, and
7 upon transfer of ownership and registration, of any motor
8 vehicle subject to Part 5 (commencing with Section
9 43000) of Division 26 of the Health and Safety Code, and
10 upon registration of a motor vehicle previously registered
11 outside this state which is subject to those provisions of
12 the Health and Safety Code, a valid certificate of
13 compliance or a certificate of noncompliance, as
14 appropriate, issued in accordance with Section 44015 of
15 the Health and Safety Code.

16 (b) With respect to new vehicles certified pursuant to
17 Chapter 2 (commencing with Section 43100) of Part 5 of
18 Division 26 of the Health and Safety Code, the
19 department shall accept a statement completed pursuant
20 to subdivision (b) of Section 24007 in lieu of the certificate
21 of compliance.

22 (c) For purposes of determining the validity of a
23 certificate of compliance or noncompliance submitted in
24 compliance with the requirements of this section, the
25 definitions of new and used motor vehicle contained in
26 Chapter 2 (commencing with Section 39010) of Part 1 of
27 Division 26 of the Health and Safety Code shall control.

28 (d) Subdivision (a) does not apply to a transfer of
29 ownership and registration under any of the following
30 circumstances:

31 (1) In any district in which biennial certification is
32 required and a valid certificate was issued in connection
33 with the most recent renewal of registration of the
34 vehicle, and the transfer occurred not more than 60 days
35 following the date by which that renewal of registration
36 was required.

37 (2) The transferor is either the parent, grandparent,
38 sibling, child, grandchild, or spouse of the transferee.



1 (3) A vehicle registered to a sole proprietorship is
2 transferred to the proprietor as owner.

3 (4) The transfer is between companies whose
4 principal business is leasing vehicles, if there is no change
5 in the lessee or operator of the vehicle or between the
6 lessor and the person who has been, for at least one year,
7 the lessee's operator of the vehicle.

8 (5) The transfer is between the lessor and lessee of the
9 vehicle, if there is no change in the lessee or operator of
10 the vehicle.

11 (6) Prior to January 1, 2003, the motor vehicle was
12 manufactured prior to the 1974 model-year.

13 (7) Beginning January 1, 2003, the motor vehicle is 30
14 or more model-years old.

15 (8) *A motor vehicle that is exempted pursuant to*
16 *paragraph (4) of subdivision (a) of Section 44011 of the*
17 *Health and Safety Code.*

18 (e) The State Air Resources Board, under Part 5
19 (commencing with Section 43000) of Division 26 of the
20 Health and Safety Code, may exempt designated
21 classifications of motor vehicles from subdivision (a) as it
22 deems necessary, and shall notify the department of that
23 action.

24 (f) Subdivision (a) does not apply to a motor vehicle
25 when an additional individual is added as a registered
26 owner of the vehicle.

